

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. Action No.: 1:20-CR-34-1
(Judge Kleeh)

RAY ROBERTO CARRION SUSANA,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY, ACCEPTING GUILTY PLEA, GRANTING
DEFENDANT'S MOTION, AND SCHEDULING SENTENCING HEARING**

On April 29, 2022, the Defendant, Ray Roberto Carrion Susana ("Susana"), appeared before United States Magistrate Judge Michael J. Aloi and moved for permission to enter a plea of **GUILTY** to Count Three of the Superseding Indictment, charging him with Fraud in Connection with Identification Documents - Possession of Five or More False Identification Documents with Intent to Use Unlawfully, in violation of 18 U.S.C. § 1028(a)(3). Susana stated that he understood that the magistrate judge is not a United States District Judge, and Susana consented to pleading before the magistrate judge.

This Court referred Susana's plea of guilty to the magistrate judge for the purpose of administering the allocution, pursuant to Federal Rule of Criminal Procedure 11, making a finding as to

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whether the plea was knowingly and voluntarily entered, and recommending to this Court whether the plea should be accepted.

Based upon Susana's statements during the plea hearing, and the Government's proffer establishing that an independent factual basis for the plea existed, the magistrate judge found that Susana was competent to enter a plea, that the plea was freely and voluntarily given, that Susana understood the charges against him and the consequences of his plea, and that a factual basis existed for the tendered plea. The magistrate judge issued a *Report and Recommendation Concerning Plea of Guilty in Felony Case* ("R&R") [ECF No. 133] finding a factual basis for the plea and recommending that this Court accept Susana's plea of guilty to Count Three of the Superseding Indictment.

The magistrate judge **released** Susana on the terms of the *Order Setting Conditions of Release* [ECF No. 22].

The magistrate judge also directed the parties to file any written objections to the R&R within fourteen (14) days after service of the R&R. He further advised that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based on the R&R. Neither Susana nor the Government filed objections to the R&R.

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Accordingly, this Court **ADOPTS** the magistrate judge's R&R [ECF No. 133], provisionally **ACCEPTS** Susana's guilty plea, and **ADJUDGES** him **GUILTY** of the crime charged in Count Three of the Superseding Indictment.

Pursuant to Fed. R. Crim. P. 11(c)(3) and U.S.S.G. § 6B1.1(c), the Court **DEFERS** acceptance of the proposed plea agreement until it has received and reviewed the presentence investigation report prepared in this matter.

On April 29, 2022, Susana, by counsel, filed *Defendant Ray Roberto Carrion Susana's Motion to Expedite Sentencing and to Order and Accept a Modified PSI* [ECF No. 132]. For reasons stated therein, the Court **GRANTS** the motion.

The Office of Probation shall submit the modified presentence investigation report to the Court on or before **June 6, 2022**; and

Counsel may file any written sentencing memoranda or statements and motions for departure from the Sentencing Guidelines, including the factual basis for the same, on or before **June 7, 2022**.

The Court further **ORDERS** that prior to sentencing, Susana's counsel shall review with him the revised Standard Probation and Supervised Release Conditions adopted by this Court on November

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29, 2016, pursuant to the standing order entered by Chief Judge Groh, In Re: Revised Standard Probation and Supervised Release Conditions, 3:16-MC-56.

The Court will conduct the **Sentencing Hearing** for Susana on **June 13, 2022, at 12:30 p.m., at the Clarksburg, West Virginia,** point of holding court. If counsel anticipates having multiple witnesses or an otherwise lengthy sentencing hearing, please notify the Judge's chamber staff so that an adequate amount of time can be scheduled.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: May 19, 2022



THOMAS S. KLEEH, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA